

No. 9/5/84-6Lab/7795.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Alps Paper Graft Pvt. Ltd. Dharuhera:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT
FARIDABAD

Reference No. 13 of 1983

between

SHRI SAMSHER SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
ALPS PAPER GRAFT PVT. LTD., DHARUHERA

Present :

Workman, in person along with Shri Shardha Nand.
None for the respondent-management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/GGN/130/82/57726—31, dated 30th December, 1983, under section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute, existing between Shri Samsher Singh, workman and the respondent-management of M/s. Alps Paper Graft Pvt. Ltd., Dharuhera. The term of the reference was:—

Whether the termination of services of Shri Samsher Singh was justified and in order ?
If not, to what relief is he entitled ?

The management was proceeded *ex parte* on 14th September, 1984 as none appeared after affixation of notice on the gate of the factory. In *ex parte* evidence the workman supported his averments made in the demand notice. He was appointed on 21st October, 1979. His services were terminated on 15th September, 1982 without giving any compensation as required under Section 25-F of the Industrial Disputes Act, 1947.

In view of above said *ex parte* evidence of the workman that the services of the claimant were terminated illegally. I therefore, give the award that he is entitled to reinstatement with continuity of service and full back wages.

Dated the 18th October, 1984.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

Endorsement No. 2543, dated the 23rd October, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-6Lab/7798.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Orient Electrical Insulation Pvt. Ltd., 50 NIT Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 164 of 1984

between

SHRI SHANKAR PARSHAD, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S ORIENT ELECTRICAL INSULATION PVT. LTD., 50 NIT, FARIDABAD

Present :

None, for t. s. es.

AWARD

This reference No. 164 of 1984 has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/263-83/26050-55, dated 25th July, 1984, under section 10 (i) (c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute existing between Shri Shankar Parshad, workman and the respondent-management of M/s. Orient Electrical Insulation Pvt. Ltd., 50, NIT, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Shankar Parshad was justified and in order ?
If not, to what relief is he entitled ?

None is present for the workman. It shows that the workman is not interested in the reference. Hence the award is given that no dispute is pending between the parties.

Dated the 16th October, 1984.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

Endorsement No. 2546, dated the 23rd October, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

No. 9/5/84-6Lib/779).—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Golden Polyester Industries (P) Ltd., 14, Mathura Road, Faridabad :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 400 of 1983

between

SHRI JAI PARKASH SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S GOLDEN POLYESTER INDUSTRIES (P) LTD., 14, MATHURA ROAD,
FARIDABAD

Present :

None, for the workman.

Shri R. P. Singh, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/156/83/61745, dated 23rd November, 1983, under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Jai Parkash Singh, workman and the respondent-management of M/s. Golden Polyester Industries Ltd., Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of service of Shri Jai Parkash Singh was justified and in order? If not, to what relief is he entitled ?

The workman was proceeded *ex parte* as none appeared for him on 11th September, 1984. Shri Sham Sunder Jha, manager appeared as MW-1 and has claimed that he was an employee of Delhi H.O. and has settled his dispute,—*vide* Ex. M-1 and M-2. Hence the award is given that no dispute is pending between the parties.

Dated 16th October, 1984.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 2547, dated the 23rd October, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the I.D. Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/7802.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of (i) General Manager, Haryana Roadways, Faridabad (ii) Controller Haryana Roadways, Chandigarh:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No 13/1984

between

SARI HARGAIN SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
GENERAL MANAGER, HARYANA ROADWAYS, FARIDABAD. CONTROLLER,
HARYANA ROADWAYS, CHANDIGARH

Present :

Shri Bhim Singh Yadav, for the workman.

Shri Joginder Singh, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/159/83/491016, dated 2nd February, 1984 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Hargain Singh workman and the respondent-management of General Manager, Haryana Roadways, Faridabad. (ii) Controller, Haryana Roadways, Chandigarh. The terms of the reference was :—

Whether the termination of service of Shri Hargain Singh was justified and in order ? If not, to what relief is he entitled?

According to the averments of the claimant, he was appointed as Apprentice on 1st July, 1982 for one year and after the completion of one year his services were terminated. During this period he received injury in the eye on 6th August, 1982 and he remained on medical leave upto 29th October, 1982.

These facts have been denied by the management. It is contended that the claimant was appointed for one year after diploma from the I. T. I. His apprentice is part of his training. Hence the management is not bound to retain him in service after the completion of this period.

The parties contested the reference on the following issue:—

1. As per reference ?

I have heard the representative of both the parties and gone through the evidence. My findings on the issue is as under:—

Issue No. I :

The claimant was appointed for one year. He was terminated for the completion of one year. The workman also admitted this fact in his statement. If the management has not employed him in service after the completion of period of apprentice, they cannot be compelled to do so. I, therefore, give the award that the services of the workman was legally and validly terminated. He is not entitled to any relief.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 17th October, 1984.

Endorsement No. 2550, dated 23rd October, 1984.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/7803.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of Haryana Roadways, Faridabad :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 151 of 1983

between

SHRI RAN SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
HARYANA ROADWAYS, FARIDABAD

Present :

None, for the workman.

Shri Jagbir Singh, for the management.

AWARD.

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/186-82/21380—85, dated 6th May, 1983 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute existing between Shri Ran Singh, workman and the respondent-management of Haryana Roadways, Faridabad. The term of the reference was :—

Whether the termination of service of Shri Ran Singh, was justified and in order? If not, to what relief is he entitled?

According to claim statement the claimant was appointed on 15th October, 1981 on permanent basis as driver. His services were terminated without any reason on 20th February, 1982. He has also not paid his dues. This claim of the claimant is contested on the ground that the claimant was appointed purely on *ad hoc* basis.—*vide* No. 1452/EA, dated 23rd October, 1981. It is further alleged that his pay Rs. 937-60 P. and 766-45 P. has been drawn and his remaining pay will be drawn when the bill is cleared by the Accountant-General, Haryana. It is further alleged that his services were discontinued as per terms of appointment letter as no longer required. The services of the workman were less than 240 days.

The parties contested the reference on the following issue :—

1. As per reference?

I have heard the representative of the management and also gone through the entire evidence on record. My findings on the issue is as under :—

Issue No. I :

It is admitted that he was appointed on 15th October, 1981 and was terminated on 20th February, 1982. His appointment letter is Ex. M-1. He was appointed,—*vide* Ex. M-1 on 16th October, 1981 purely on temporary basis and his services were liable to be terminated without notice and without assigning any reason. The claimant has not completed 240 days of service, within 12 calendar months. Hence provisions of Section 25-F of the Industrial Disputes Act cannot apply in this case. His services can be terminated as per terms of appointment letter Ex. M-1. I, therefore, find that the order of terminating his services was legal and justified. I, therefore, give the award that the claimant is not entitled to any relief.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 17th October 1984.

Endorsement No. 2551, dated 23rd October, 1984.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-Lab/7965.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of General Manager, Central Body Building Workshop, Haryana Roadways, Gurgaon:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 8 of 1984

between

SHRI HANU. IAN SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
GENERAL MANAGER, CENTRAL BODY BUILDING WORKSHOP, HARYANA
ROADWAYS, GURGAON

Present :

Shri P. R. Yadav for the workman.

Shri K. L. Piplani for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/GGN/125/83/2696—96, dated 16th January, 1984 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Hanuman Singh, workman and the respondent of M/s. General Manager, Central Body Building Workshop, Haryana Roadways, Gurgaon. The term of the reference was :—

Whether the termination of services of Shri Hanuman Singh, was justified and in order ? If not, to what relief is he entitled ?

It is admitted fact that the claimant was appointed on 12/80 on daily wages. He was again appointed on daily wages for 1st July, 1983 to 31st July, 1983, his services were terminated on 18th July, 1983 as the General Manager found the claimant absent from duty. The dismissal letter is dated 19th July, 1983. The reference was contested on the following issues:—

1. As per reference?

I have heard both the parties and have gone through the evidence on record. My findings on the issues are as under:—

Issue No. 1:—

It is admitted by MW-1-Bhagwan Dass that the claimant was appointed on 1st December, 1980 and he remained continuously on duty without any break upto 17th July, 1983. In view of the admission the claimant had completed 240 days service within 12 calendar months before termination of his services. His services were terminated because he was found absent on 17th July, 1983. No enquiry was held for and any misconduct. The learned representative of the workman has contended that if no enquiry was conducted the court is at liberty to hold an enquiry and find if termination was justified. He has relied upon the judgement of Shambu Nath *versus* Bank of Baroda, AIR 1984, page 289. There was no rule that the workman can be terminated simply because he remained absent for one day. To terminate the services of the employee for absence it is necessary that the employee must absent or without leave continuously for 10 days. In the present case the workman was not terminated because he remained absent for 10 days. Hence his services can not be terminated without complying the provisions of section 25-F of the I.D. Act. I, therefore, find that the order of termination of the workman was illegal and unjustified. I, therefore, give the award that the claimant is entitled to reinstatement with continuity of service and full back wages.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Dated the 12th October, 1984.

Endorsement No. 2578, dated the 30th October, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 4 of section 33-C of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

The 15th November, 1984

No. 9/5/84-6Lab/7699.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s B. N. T. Mills, 14/5, Mathura Road, Faridabad:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 261 of 1983

between

SHRI RAM KUMAR CHAUHAN, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S
B.N.T. MILLS, 14/5, MATHURA ROAD, FKRIDABAD

Present :

Workman in person.

Shri B. K. Akhori, for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/52-83/45677-82, dated 6th November, 1983, under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Ramesh Kumar workman and the respondent-management of M/s B. N. T. Mills, 14/5, Mathura Road, Faridabad. The terms of the reference was :—

Whether the termination of service of Shri Ram Kumar Chauhan was justified and in order ?
If not, to what relief is he entitled?

The workman has stated that he has settled his dispute with the respondent-management after receiving Rs 5360.07 P. in full and final settlement of his accounts. He has also no right of reinstatement/re-employment.

In view of the statement of the workman, the dispute has been fully settled. The award is given accordingly.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

Dated the 5th September, 1984.

Endorsement No. 1945, dated the 11th September, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.